IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.17987 of 2005

Dated: June 27, 2006

Between:

Smt. Amrutha Bai, W/o. late D. Ashok Kumar,
aged about: Major, Occ: Housewife,
R/o.H.No.9-1-34/15/18/A, Bapu Nagar, Langer House, Hyderabad.

… Petitioner

And

Vice-chairman & Housing Commissioner,
A.P. Housing Board, Gruhakalpa, M.J. Road,
Hyderabad.

… Respondent

Order:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the respondent in rejecting the claim of the petitioner for compassionate appointment as illegal and arbitrary and a consequential direction to the respondent is also sought to consider the case of the petitioner for such appointment.

2. The husband of the petitioner, who was working as a Senior

Assistant in the respondent, A.P. Housing Board, a State Government undertaking, died in harness on 17-10-2001. Thereon, the petitioner made an application to the respondent seeking to appoint her on compassionate grounds. Her request was rejected by the respondent by the impugned order, referring to G.O.Ms.No.36 dated 05-09-2001.

3. The case of the petitioner is that in view of the sudden demise of her husband, she and her family members are in great financial troubles and hence she should be given compassionate appointment.

4. Counter affidavit has been filed on behalf of the respondent stating that earlier there was a policy for appointing a family member of the employee who died in service on compassionate grounds; however, the Government has reviewed the policy with regard to appointments on compassionate grounds and issued G.O.Ms.No.36 dated 05-09-2001, whereby the scheme of compassionate appointment in the State Level Public Enterprises was dispensed with and in lieu thereof, ex-gratia amount would be paid to the dependents of the employees who died in harness. Basing on the said G.O., compensation of Rs.75,000/-, in lieu of compassionate appointment, has been sent to the petitioner by Pay Order dated 07-07-2005, but the same has been refused by the petitioner. A notification was also published in 'Eenadu' newspaper on 11-08-2005 calling upon the petitioner to collect the said amount, but the petitioner has failed to collect the same.

5. As seen from the counter affidavit, it is clear that now there is no scheme of compassionate appointment. In lieu thereof, petitioner was also called for by the respondents to collect the ex-gratia amount of Rs.75,000/-. In the absence of any scheme for compassionate

appointment, no direction as sought for can be given. Hence, I do not find any illegality in the action of the respondents in rejecting the claim of the petitioner for compassionate appointment.

6. The writ petition is devoid of merits and is accordingly dismissed. However, it is open for the petitioner to approach the respondent to collect the ex-gratia amount as offered earlier and the respondent shall release such amount within six weeks from today. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

June 27, 2006
MRR